

REMARKS

Applicant would like to thank the Examiner for the detailed remarks.

Claims 1, 13, 15, 21 and 25 have been amended. Claims 27-29 have been added. Claims 1-9, 13-18 and 20-29 are pending in this application.

1) Rejection under 35 U.S.C. §112, first paragraph

Claim 25 is rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claim 1 has been amended to recite that “the fluid port and the tube are coaxial along a longitudinal axis defined by the fluid port” and that the locating feature prevents “relative rotation between the fluid port of the housing and the tube about the longitudinal axis defined by the fluid port,” as previously put forth in claim 25. Figure 1 clearly illustrates that the fluid port 14a and tube 22 are coaxial along a longitudinal axis defined by the fluid port 14a. The specification also repeatedly refers to the longitudinal axis (see, e.g., page 3, line 31 and page 4, line 17). Additionally, it is clear from the specification and drawings that the locating features 26, 30 would be operable to prevent relative rotation between the fluid port 14a and tube 22 along the longitudinal axis upon receiving the molded retainer (see page 4 lines 1-7; Figs. 1 and 2). Accordingly, Applicant respectfully requests that the rejection be withdrawn.

2) Rejection under 35 U.S.C. §112, second paragraph

Claims 20-21 and 25 are rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Regarding claim 20, the Examiner’s interpretation that the assembly includes a first and a second locating feature is correct. The Examiner argues that it is unclear how “the at least one locating feature which has a notch now include two separate locating features when the at least one locating feature has been recited as a notch.” Respectfully, claim 1 recites that “the at least one locating feature **having a notch**,” not that the locating

feature “is” a notch. Further, claim 1 recites that “a fluid connection assembly” comprises “at least one locating feature,” and claim 20 expands upon this by claiming that the “at least one locating feature” includes two locating features. Thus, claims 1 and 20 as presented are wholly consistent with the Examiner’s interpretation that the claimed assembly includes a first and a second locating feature. Accordingly, Applicant respectfully requests that the rejection of claim 20 be withdrawn.

Regarding claim 21, the rejection does not explain why the claim is being rejected as being indefinite. However, Applicant has amended claim 21 to recite “said first locating feature is formed on an annular collar of said fluid port, and said second locating feature is formed on a flared end of said tube.” Applicant believes this should clear up any concerns that the Examiner may have. Accordingly, Applicant respectfully requests that the rejection of claim 21 be withdrawn.

Regarding claim 25, the claim has been amended to recite that “the at least one locating feature **receives the retainer**.” The Examiner argues that it is unclear whether the relative rotation being prevented would occur along the x, y, or z plane. Respectfully, as recited in claim 1, rotation **about the longitudinal axis** is prevented. Using Figure 1 as a reference, this would be rotation about the “x” axis. Accordingly, Applicant respectfully requests that the rejection of claim 25 be withdrawn.

3) **Rejections under 35 U.S.C. §102(b)**

Claims 1-3, 5, 9, 20 and 25 are rejected under 35 U.S.C. §102(b) as being anticipated by Bawa (U.S. 3,747,960). Claim 1 recites “the at least one notch receives a portion of the retainer to prevent relative rotation between the fluid port of the housing and the tube about the longitudinal axis defined by the fluid port.” The Examiner interprets Bawa as disclosing the

claimed notch. However, the region of Bawa that the Examiner is interpreting as the claimed notch (hereinafter “Bawa opening”) does not prevent relative rotation between a fluid port of a housing and a tube along the claimed longitudinal axis. In Bawa, it appears that, if anything, the threaded connection between the fitting 54 and the gland nut 36 provides a frictional fit to prevent rotation. The Bawa opening does not prevent rotation at all. Accordingly, Applicant respectfully requests that the rejection of claims 1-3, 5, 9, 20 and 25 be withdrawn.

Regarding dependent claims 9 and 20, the Examiner is interpreting the threads as the claimed “locating feature.” However this is inconsistent, because independent claim 1 recites “at least one locating feature having at least one notch.” Thus, the notch is part of the locating feature. The Examiner is interpreting the Bawa opening as the claimed notch, but the Bawa opening and the threaded areas 38, 60 are distinct components. For this additional reason, Applicant respectfully requests that the rejection of claims 9 and 20 be withdrawn.

Regarding dependent claim 25, the claim has been amended to recite “the at least one locating feature **receives the retainer**” and that “the retainer is molded over the at least one locating feature.” The Examiner is interpreting the portion 52 of Bawa as the claimed retainer. However, the only disclosure in Bawa of the portion 52 is in column 3, lines 33-37 where Bawa describes the portion 52 as a “suitable plastic material.” There is nothing in Bawa to suggest that the portion 52 is “molded over the at least one locating feature” as claimed. For this additional reason, Applicant respectfully requests that the rejection of claim 25 be withdrawn.

Claims 1, 8 and 20 are rejected under 35 U.S.C. §102(b) as being anticipated by Williams (U.S. 3,533,649). The Examiner interprets opening 32 of Williams as the claimed notch. However, Williams does not disclose that the opening 32 prevents relative rotation between the tubular member 18 and the body member 12. In Williams, it appears that, if anything, the

threaded connection between body member 12 and compression nut 14 provides a frictional fit to prevent rotation. The opening 32 does not prevent rotation. Accordingly, Applicant respectfully requests that the rejection of claims 1, 8 and 20 be withdrawn.

4) **Rejections under 35 U.S.C. §103(a)**

Claims 4 and 22-24 are rejected under 35 U.S.C. §103(a) as being unpatentable over Bawa. However, these claims depend on allowable claim 1, and are therefore in condition for allowance. Accordingly, Applicant respectfully requests that the rejection of claims 4 and 22-24 be withdrawn.

Claims 1, 6-7, 9, 13-18, 20-21 and 25-26 are rejected under 35 U.S.C. §103(a) as being unpatentable over Paoli et al. (U.S. 3,971,614). Claim 1 requires that “the at least one notch receives a portion of the retainer to prevent relative rotation between the fluid port of the housing and the tube.” The Examiner interprets the inwardly extending flange 18 of Paoli as the claimed notch. However, the inwardly extending flange is merely a portion of the coupling nut 16 (see Figure 3 for a more detailed view). Since the flange 18 is part of the coupling nut 16, the coupling nut does not receive the flange, as the coupling nut 16 does not receive itself. Thus, Paoli does not disclose “the at least one notch receives a portion of the retainer” as claimed. Accordingly, Applicant respectfully requests that the rejection of 1, 6-7, 9, 20-21 and 25 be withdrawn.

Additionally, independent claim 1 recites “a housing including a **fluid port**.” However, Paoli is directed to an **electrical connector** (see, e.g., Abstract), and the rejection does not explain why the electrical connector of Paoli should be interpreted as a housing including a fluid port. The Examiner may argue that Paoli discloses an O ring 28 to keep out moisture. However, despite this O ring 28, Paoli is simply not adapted for fluid transfer. For example, Paoli discloses

that when **inwardly extending** projections 53 are juxtaposed with the rear surface for the flange 31 “the coupling nut is then **free to turn** relative to the shells 12 and 14, **to perform coupling or uncoupling**” (column 4, lines 1-7). A fluid flow could easily move the inwardly extending projections 53, causing the coupling nut 16 to be able to uncouple the plug shell 12 and receptacle shell 14. For this additional reason, Applicant respectfully requests that the rejection of 1, 6-7, 9, 20-21 and 25 be withdrawn.

Regarding dependent claim 7, Paoli does not disclose that the coupling nut 16 is molded over the shells 12, 14. To the contrary, the coupling nut 16 is a completely separate piece, apparently machined to have very specific dimensions (see, e.g., Fig. 4). The coupling nut has inner threads 22, which appear to be precisely machined to match outer threads 24 (see, e.g., Fig. 3). Thus, it is clear that the coupling nut 16 is not molded over the shells 12, 14. For this additional reason, Applicant respectfully requests that the rejection of claim 7 be withdrawn.

Regarding independent claim 13, the Examiner argues that Paoli discloses every claimed feature except for the manifold being made of plastic or that a seal is located in the annular recess in the manifold. However, claim 13 has been amended to recite “a metal tube **received into the manifold**.” Paoli discloses the opposite: that the plug shell 12 (which the Examiner interprets as the claimed manifold) is received into the receptacle shell 14 (which the Examiner interprets as the claimed metal tube) (see Paoli, column 3, lines 6-14). Additionally, claim 13 recites “a manifold including a **fluid port**” while Paoli is directed to an **electrical connector** (see, e.g., Abstract), and the rejection does not explain why the electrical connector of Paoli should be interpreted as a manifold including a fluid port. Accordingly, Applicant respectfully requests that the rejection of claims 13-14 and 26 be withdrawn.

Regarding dependent claim 14, the Examiner interprets the inwardly extending flange 18 as the claimed notch. However, as argued above in regards to claim 1, because the flange 18 is part of the coupling nut 16, the coupling nut does not receive the flange, and thus Paoli does not disclose the feature that “the at least one notch receives a portion of the retainer,” as the coupling nut 16 does not receive itself. For this additional reason, Applicant respectfully requests that the rejection of dependent claim 14 be withdrawn.

Regarding independent claim 15, Paoli does not disclose the claimed second notch, and the rejection does not explain how this feature is disclosed. Accordingly, Applicant respectfully requests that the rejection of claims 15 and 16-18 be withdrawn.

Regarding dependent claim 18, the claim recites “wherein the step of retaining includes **molding a plastic retainer** over a joint of the metal tube and the fluid housing.” The Examiner acknowledges that Paoli does not disclose a retainer made of plastic, but argues that the modification would be obvious “because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.” However, the retainer of Paoli is not molded, and there is nothing in Paoli to suggest that it would be molded. That the item 16 is called a “coupling nut” further suggests that it is metal and not molded. For this additional reason, Applicant respectfully requests that the rejection of claim 18 be withdrawn.

Regarding dependent claim 26, the claim recites “the material of the retainer is received in the first notch and the second notch to prevent relative rotation between the fluid port of the manifold and the tube.” However, Paoli does not disclose the claimed second notch. Additionally, the Examiner is interpreting the inwardly extending flange 18 as the claimed first notch, and, as argued above, the flange 18 is part of the coupling nut 16 (that the Examiner

interprets as the claimed retainer), and thus the flange does not receive itself. For these additional reasons, Applicant respectfully requests that the rejection of dependent claim 26 be withdrawn.

New claims 27-29 recite additional features of the fluid connection assemblies of claim 1 and claim 13. These additional features are likewise neither shown nor suggested by the prior art.

Applicant respectfully submits that all claims are in condition for allowance.

Applicant believes that additional fees in the amount of \$156 are necessary for the inclusion of three additional claims in excess of twenty. The Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

CARLSON, GASKEY & OLDS

By: /Timothy C. Bradley/
Timothy C. Bradley
Registration No. 59,497
400 W. Maple Rd., Ste. 350
Birmingham, MI 48009
(248) 988-8360

Dated: July 1, 2009

N:\Clients\FORMRITE\IP00315\PATENT\ Amendment 07-01-2009.doc